

**MINUTES
CITY OF ALVIN
216 W. SEALY STREET
SPECIAL CITY COUNCIL MEETING
MAY 24TH, 2011
7:00 PM**

1. CALL TO ORDER

BE IT REMEMBERED that, on the above date, the City Council of the City of Alvin, Texas, met in special session at 7:05 P.M. in the Council Chambers at City Hall, with the following members present; Mayor Pro-Tem Greg Bullard, Councilmembers Eileen Cross, Charles Batty, III, Terry Droege, and Roger Stuksa. Mayor Gary Appelt and Councilmember Jim Landriault were absent. Also present were Larry Buehler, Economic Development Director; Jerry Collins, Paralegal; Mary Dearing, Assistant to the City Manager; Michelle Lira, Community Development Director; Bobbi Kacz, City Attorney and Terry Lucas, City Manager.

II. INVOCATION

Judy Zavalla gave the invocation.

III. PLEDGE OF ALLEGIANCE

Terry Lucas led the Pledge of Allegiance.

IV. SPECIAL PRESENTATIONS

There were no special presentations.

V. APPROVAL OF MINUTES

- A. Consideration was given for approval of the Minutes of April 26th, 2011. Councilmember Droege moved to approve the Minutes of April 26th, 2011. The motion was seconded by Councilmember Batty. The motion carried on a vote of 4 Ayes.

VI. PETITIONS AND REQUESTS FROM THE PUBLIC

There were no petitions or requests from the public.

VII. REPORTS FROM CITIZENS, BOARDS, COMMISSIONS AND COMMITTEES

There were no reports.

VIII. OTHER BUSINESS

- A. Consider approval of Resolution No. 11-R-21, authorizing participation with cities served by Texas-New Mexico Power Company to review TNMP's request for an Energy Efficiency Cost Recovery Factor ("EECRF"); to hire legal and consulting services and to negotiate with TNMP, and related matters thereto.

The City Manager addressed Council with a brief overview of the request. Councilmember Stuksa moved to approve Resolution No. 11-R-21, authorizing participation with cities served by Texas-New Mexico Power Company to review TNMP's request for an Energy Efficiency Cost Recovery Factor ("EECRF"); to hire legal and consulting services and to negotiate with TNMP, and related matters thereto. The motion was seconded by Councilmember Batty. The motion carried on a vote of 4 Ayes.

- B. Consider out of state travel for the Alvin Convention and Visitors Director to Lake Havasu City, Arizona, May 11, 2011 to May 13, 2011 to bid on a national conference.

The City Manager addressed Council with an overview of the request and reported that Julie Siggers had been successful with receiving the award of the bid on a national conference. Councilmember Droege made a motion to approve out of state travel for the Alvin Convention and Visitors Director to Lake Havasu City, Arizona, May 11, 2011 to May 13, 2011 to bid on a national conference. The motion was seconded by Councilmember Batty. The motion carried on a vote of 4 Ayes.

IX. DISCUSSIONS AND PRESENTATIONS

There were no discussions or presentations.

X. DISCUSS AND CONSIDER REFERRAL TO CITY COUNCIL

- A. Consider approval of Ordinance 11-CC, readopting the Economic Development Policy for the City of Alvin; including criteria and guidelines governing tax abatement, tax increment reinvestment zones and additional economic incentives within the City; and setting forth related matters thereto.

Larry Buehler addressed Council with a brief explanation. Councilmember Cross made a motion to refer to City Council approval of Ordinance 11-CC, readopting the Economic

Development Policy for the City of Alvin; including criteria and guidelines governing tax abatement, tax increment reinvestment zones and additional economic incentives within the City; and setting forth related matters thereto. The motion was seconded by Councilmember Batty. The motion carried on a vote of 4 Ayes.

- B. Consider Resolution No. 11-R-20 supporting the creation of a sub-zone of Port Freeport Foreign Trade Zone (FTZ) #149 within the City limits; and setting forth related matters thereto site in Alvin.

Larry Buehler addressed Council with a brief explanation. Councilmember Stuksa made a motion to refer to Council Resolution No. 11-R-20 supporting the creation of a sub-zone of Port Freeport Foreign Trade Zone (FTZ) #149 within the City limits; and setting forth related matters thereto site in Alvin. The motion was seconded by Councilmember Droege. The motion carried on a vote of 4 Ayes.

- C. Authorize City Staff to submit application to the FEMA Severe Repetitive Loss (SRL) Program to obtain a grant to acquire and demolish two homes located at 3404 Hummingbird Lane and 1409 W. Talmadge that have been classified as Severe Repetitive Loss properties due to repeated flooding.

Michelle Lira addressed Council with an explanation and questions regarding the grant request and answered questions from Council. Mayor Pro-Tem Bullard requested that a general map of the location be brought to Council at the next meeting. Councilmember Batty made a motion to refer to City Council to authorize City Staff to submit application to the FEMA Severe Repetitive Loss (SRL) Program to obtain a grant to acquire and demolish two homes located at 3404 Hummingbird Lane and 1409 W. Talmadge that have been classified as Severe Repetitive Loss properties due to repeated flooding. The motion was seconded by Councilmember Cross. The motion carried on a vote of 4 Ayes.

- D. Consider approval of a Chapter 380 Agreement with Alvin R/E Venture L.P.dba Metal Mart and authorize the Mayor to sign the agreement.

Larry Buehler addressed Council with an explanation of the incentive agreement and the request from the City. Mr. Buehler explained the tax rate values regarding the proposal from staff. Jim Robinson, Jr., Developer, 156 Pizarro Drive, Hot Springs Village, Arkansas addressed the Council with additional background history. Councilmember Stuksa made a motion to refer to Council approval of a Chapter 380 Agreement with Alvin R/E Venture L.P.dba Metal Mart and authorize the Mayor to sign the agreement. The motion was seconded by Councilmember Droege. The motion carried on a vote of 4 Ayes.

(Item G was discussed at this time but the proceedings are recorded in its place on the agenda.)

- E. Consider approval of a Chapter 380 Agreement with SPS Texas and authorize the Mayor to sign the agreement.

Larry Buehler addressed the Council with an explanation of the agreement and an overview of the site location. John Humphrey, President of SPS, 1728 Cranston Grove, Dickinson, Texas addressed the Council with an overview of the new facility. Councilmember Batty made a motion to refer to Council approval of a Chapter 380 Agreement with SPS Texas and authorize the Mayor to sign the agreement. The motion was seconded by Councilmember Droege. Discussion followed on the motion. Larry Buehler addressed questions from Council. The motion carried on a vote of 4 Ayes.

- F. Consider a variance request concerning the rear and side building set back lines to Chapter 21, Section 21-37 Lots, of the Subdivision Ordinance of the Code of Ordinance as requested by Mr. Penny Padilla.

Michelle Lira addressed Council with an overview of the variance request for building of a carport on the rear of the property to cover the owner's fifth wheel RV. Ms. Lira explained that the Planning Commission recommended approval contingent upon specific drainage requirements. Councilmember Stuksa made a motion to refer to Council a variance request concerning the rear and side building set back lines to Chapter 21, Section 21-37 Lots, of the Subdivision Ordinance of the Code of Ordinance as requested by Mr. Penny Padilla contingent upon drainage toward Hardy Street. The motion was seconded by Councilmember Batty. Discussion followed on the motion. Bobbie Kacz addressed Council with answers to questions from Council. Michelle Lira addressed Council with answers to questions. The motion carried on a vote of 4 Ayes.

- G. Consider a variance request to Chapter 35-33 (e) Fences, Walls, and Earthen Berms of the City of Alvin Code of Ordinances, received from Metal Mart.

Michelle Lira addressed Council with an explanation of the proposal from the developer. Mr. Robinson addressed Council with an overview of a map displaying the proposal for fencing around facility. Councilmember Cross made a motion to refer to City Council a variance request to Chapter 35-33 (e) Fences, Walls, and Earthen Berms of the City of Alvin Code of Ordinances, received from Metal Mart. The motion was seconded by Councilmember Stuksa. The motion carried on a vote of 4 Ayes and 1 No. The No vote was made by Councilmember Droege.

- H. Consider a variance request to Sec. 21-8 of the City of Alvin Subdivision Ordinance from Ms. Zelaya allowing her to construct an additional residence on her clients' lot.

Michelle Lira addressed Council with an explanation of the request which is to be able to construct a new home prior to tearing down the existing home. Ms. Lira stated that the current ordinance states you cannot have two residences on the same lot. Councilmember Droege made a motion to refer to Council a variance request to Sec. 21-8 of the City of Alvin Subdivision Ordinance from Ms. Zelaya allowing her to construct an additional residence on her clients' lot. The motion was seconded by Mayor Pro-Tem Bullard. Discussion followed on the motion. Councilmember Batty asked for an amendment to the motion to add a stipulation that a temporary occupancy permit must be granted. The amendment was seconded by Councilmember Stuksa. Motion carried on the original amended motion with a vote of 4 Ayes. Motion carried on the main motion with a vote of 4 Ayes.

XI. REPORTS FROM CITY MANAGER

The City Manager gave an overview of what items would be on the agenda for June 2nd City Council meeting.

The City Manager reminded Council of the next scheduled Council meetings.

XII. ANNOUNCEMENTS AND REQUESTS FROM COUNCILMEMBERS

There were no announcements or requests from Councilmembers.

XIII. OPEN MEETINGS ACT RESOLUTION

- A. Consider Resolution No. OMA-R-11-05-24, A RESOLUTION CONFIRMING COMPLIANCE WITH THE PROVISIONS OF THE OPEN MEETINGS ACT.

Councilmember Batty moved to approve Resolution No. OMA 11-05-24, a resolution confirming compliance with the provisions of the Open Meetings Act. The motion was seconded by Councilmember Droege. The motion to approve carried on a vote of 4 Ayes.

XIV. ADJOURNMENT

Councilmember Droege moved to adjourn. The motion was seconded by Councilmember Batty. The motion to adjourn carried on a vote of 4 Ayes. The meeting adjourned at 8:07 P.M.

PASSED and APPROVED this _____ day of _____, 2011.

Gary Appelt, Mayor

ATTEST: _____
Thomas W. Peebles, City Clerk